

REMARKS/ARGUMENTS

By this Amendment, claims 1, 12, 15 and 20 are amended. Claims 1-2 and 4-22 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Amendments

Independent method claims 1 and 20 are amended to specify that the quantitative three-dimensional information obtained in each method represents the three-dimensional shape of the at least one object. Independent device claim 15 is amended to specify that the control circuit is arranged for evaluating the data sets to obtain an object image representing a three-dimensional shape of the at least one object. Support for these amendments is apparent in the specification at, e.g., page 14, lines 5-6 and 19-24.

In addition, claim 12 is revised to add a hyphen to the expression “three dimensional”.

No new matter is added.

Claim Rejection – 35 USC § 103

Claims 1-2 and 4-22 (claim 3 was previously cancelled) stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over De Gasparis et al., “Automated Electrorotation: Dielectric Characterization of Living Cells by Real-time Motion Estimation.” Meas. Sci. Technol. 9 (1998) 518-529 in view of U.S. Patent No. 7,501,233 to Gradl et al. This rejection is respectfully traversed.

The claims are directed to a method and a device for three-dimensional microscopy. Three-dimensional images of objects are generated.

On the other hand, the De Gasperis et al. reference merely discloses the generation of two-dimensional images as shown in Fig. 2 of De Gasperis et al. Regardless of whether the two-dimensional images of Fig. 2 of De Gasperis correspond to different spatial orientations of the cell, the reference still does not teach or suggest evaluating the two-dimensional images for generating a three-dimensional image of the cell. In other words, De Gasperis et al. does not disclose or suggest a method or an apparatus for three-dimensional microscopy.

Gradl et al. discloses a method for non-destructive measurement of vitality of biological cells. Gradl et al. is cited in the Office Action to remedy the acknowledged failure of De Gasperis et al. to teach a controlled movement comprising a rotation of the at least one object by

an influence of electric field forces, said at least one object being rotated around at least one of a predetermined axis and a predetermined rotational angle. This asserted teaching of Gradl et al. does not remedy the failure of De Gasperis et al. to disclose or suggest a method or an apparatus for three-dimensional microscopy.

Thus, the proposed combination of reference teachings does not meet all of the features of the claimed invention, and does not render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 1-2 and 4-22 are respectfully requested.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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